

# LUELLA E. NELSON

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## PROFESSIONAL EDUCATION AND AFFILIATIONS

**Harvard Law School**, Cambridge, Massachusetts, J.D. 1976; **Macalester College**, St. Paul, Minnesota, B.S. *cum laude*, Economics and Political Science (Honors in Economics) 1973.

**National Academy of Arbitrators** (Legal Rep. Coordinator; Videoconferencing Task Force; Regional Chair 2008-2010); **College of Labor & Employment Lawyers** (Board of Governors 2017-); **Supreme Court of the United States**; **Bar Assn of San Francisco**, Labor & Employment Law § (Chair 2002-2004), ADR §; **Oregon State Bar**, Labor & Employment Law § (Chair 1999-2000), ADR §; **Labor Education & Research Assn** (Oregon Chapter IRRA President 1998-99); **State Bar of California**, Labor & Employment Law § (Chair 1991-92); **Assn for Conflict Resolution** (No Cal Chapter SPIDR Vice President 1988-89, Board of Directors 1987-91); **American Bar Assn**, Labor & Employment Law § (Labor Arbitration and the Law of Collective Bargaining Agreements Committee; Committee on Development of the Law Under the NLRA), Dispute Resolution §, Law Practice Management §; **Oregon Women Lawyers**; **Multnomah Bar Assn**; **Prof'l Org of Women in Employment Relations**

## ARBITRATION/MEDIATION/LABOR RELATIONS EXPERIENCE

**Arbitrator, Mediator, Factfinder, Special Master** (1986-present). Neutral dispute resolution, primarily in labor and employment cases from panels, rosters and ad hoc appointments. *For the duration of the COVID virus, offering hearings by videoconference; in-person hearings may resume in 2021 or later.*

**Member** of the Oregon Employment Relations Board (2003-2004). Administered statute governing employment relations in state and local government entities.

**Counsel, Senior Counsel, and Field Attorney** with the National Labor Relations Board in Washington, D.C., headquarters (1976-81) and Oakland, California, Region (1981-86). Drafted decisions, dissents, and speeches for Board Member; investigated intra-agency EEO charges; bargaining committee and shop steward, NLRBPA. Investigated unfair labor practice and representation cases at regional office; litigated and settled unfair labor practices; held elections and hearings.

**Hearing Officer** for UMWA Health & Retirement Funds, under settlement in *Blankenship v. Mine Workers Fund*, 82 LRRM 3071 (DC DC 1973). Counseled pension applicants; investigated appeals of pension denials; conducted eligibility hearings.

**New York City Urban Fellow**, City Commission on Human Rights. Investigated charges of discrimination in employment, housing, and public accommodations; drafted recruitment guidelines for architecture schools; drafted reorganization plan for Commission staff; organized hearings on Vietnam-era veterans.

## PANELS • INDUSTRIES • ISSUES

**AGENCY:** AAA; FMCS; National Mediation Board; Oregon ERB; Washington PERC and MEC; California Mediation and Conciliation Service and PERB; Los Angeles City ERB; Montana BPA; Nevada Labor Commissioner; Marin County Superior Court Panel of Mediators; U.S.D.C., Northern California, Federal Panel; Hearing Officer for Election Appeals, International Brotherhood of Teamsters Delegate and Officer Election; Office of Senate Fair Employment Practices; North American Agreement on Labor Cooperation; Marion County (Oregon) Appeals Panel; City of Portland (Oregon) Civil Service Hearing Officer.

**PERMANENT PANELS:** AC Transit/ATU 192; Albertsons/UFCW 164; AT&T Mobility/CWA; BART/ATU; Boeing/IAM; Cal High Speed Rail Authority/State Bldg & Constr. Trades Council of Cal; Cal Teachers Assn/Cal Associates Staff; East Bay Hospitality Ind Assn/HERE Local 28; FAA/NATCA; Fairbanks/PSEA; Kaiser Permanente/UFCW, Local 555; Marion County/SEIU Local 503; Pacific Bell/CWA; Parc Oakland Hotel/HERE Local 28; Petersburg/Alaska Public Ees Assn; Pope & Talbot/USWA; SamTrans/ATU 1574; San Francisco/DPOA; Santa Clara County/SEIU Local 715; Santa Clara Hospitality Ind Assn/HERE Local 19; Simpson Paper/ UPIU; State of Alaska/LT&C, Public Ees Local 71; Univ. of Cal/UPTE; Univ. of Cal/AFT; Univ. of Cal/AFSCME 3299; UPS/Teamsters; US Dept of Agriculture FSIS/AFGE; US Dept of Homeland Security/NTEU.

**INDUSTRIES:** Aerospace, agriculture, airlines, automotive, bakery, beverage, cement, cemetery, chemicals, clerical, communications, construction, dairy, education, entertainment/arts, federal sector grievance, feed & fertilizer, food, grain mill, health care, hotel/restaurant, insurance, local government, lumber, mfg. misc., maritime, meat packing, mining, nuclear energy, organizations, packaging, paint & varnish, plastics, police & fire, printing & publishing, prison guard, private/public sector interest, public sector grievance, pulp & paper, railroads, retail stores, transportation, trucking & storage, utilities, warehousing

**ISSUES:** Absenteeism, affirmative action, alcohol/drug abuse, arbitrability, assignment, AWOL, bargaining unit work, benefits denial, COLA, contracting out, demotion, discharge, discipline, discrimination, environmental pay, executive compensation, fair share, grievance mediation, holiday/holiday pay, insubordination, interest, job classification, job evaluation, job posting/ bidding, jurisdiction, layoff/bumping/ recall, leave of absence, management rights, mergers/consolidations, new/reopened contract terms, official time, overtime, past practice, pension/health, performance appraisals, promotions, rate of pay, reassignment, RIF, report/call-in/call-back, safety, scheduling, seniority, severance pay, sexual harassment, shift hours, sick leave, subcontracting, successorship, tenure/reappointment, training, transfer, union access/security, union business, vacation, violence/threats, wages, work week change, working conditions, wrongful termination

## **FEE SCHEDULE**

**Grievance Arbitration:** \$2,800 per day for hearing, research, analysis, and preparation of opinion and award, billed in half-day increments. All other time for pre- and post-hearing matters (e.g., telephone conferences, motions, review of documents, preparation of rulings): \$600/hour. **Expedited/Class Action:** \$3,600 per day. (Cases requiring expedited hearing and/or decision, the hearing of multiple cases on the same hearing day, and/or bench awards; complex cases consolidating multiple grievances for arbitration.)

**Mediation:** \$600/hour.

**Travel:** \$2,800 per day if one-way travel time from Portland office exceeds 4 hours.

**Expenses:** Actual cost for transportation, food, lodging, and incidental expenses. Mileage at 60¢/mile.

**Cancellation Policy:** If a hearing is postponed or canceled within 28 days of the first scheduled day, per diem is charged for each scheduled day. For matters scheduled for 5 or more hearing days, cancellation fee applies for each scheduled day if removed from calendar at any time.

**Billing Policy:** Interim bills for fees and expenses after any hearing lasting multiple days, between and after non-consecutive days on the same matter, and after days requiring air travel. Simple interest at 1.5% per month (18% per annum) may be added to accounts remaining unpaid after 30 days.

## **SEMINAR PRESENTATIONS • TEACHING**

### **National Academy of Arbitrators:**

*The Dope on Dope; What Arbitrators Should Know About Marijuana (10/2015); Ethics in Labor Arbitration (8/2013 and 2/2013); Getting it Right and Getting it Done: Procedural and Evidentiary Issues (6/2013); Ethics and Due Process in Arbitration (5/2009); Advanced Advocate Training (5/2007)*

### **Oregon State Bar, ADR Section:**

*Elder Abuse Reporting (3/2015); Child Abuse Reporting (11/2013) Ethics in Labor Arbitration (8/2012)*

**Oregon LERA:**

*Legal Ethics and Arbitrator Immunity* (3/2014); *Arbitration: Past, Present, Future: Grievance Mediation Workshop* (10/1997); *Ethics in Collective Bargaining: Building Trust in the Workplace* (9/1996)

**UC Hastings Arbitrators' Day:** *Ambiguity and Past Practice* (2/2012)

**NPELRA Labor Relations Academy II:** *The Grievance Arbitration Process* (9/2011; 3/2000)

**Montana Board of Personnel Appeals:** *Arbitration & Labor Relations Conference* (9/2009)

**Chinese Ministry of Personnel/FMCS:** *Personnel Arbitration Symposium* (10/2007)

**University of Oregon LERC PERC:**

*Just Cause: The 7 Tests Revisited* (4/2006); *Ask the Arbitrator* (4/2005); *Leading ERB Cases of 2003-04 and ERB Roundtable: Finality in Interest Arbitration* (4/2004); *The PECBA at Twenty: Comments and discussion by a panel of arbitrators* (4/1994)

**Federal Mediation and Conciliation Service:**

*Ask the Grievance Arbitrator* (3/2006); *Ethics in Med/Arb and "Ask the Arbitrator"* (3/2005); *Ethics in Arbitration and Mediation* (3/2004); *Mental Health – The Bipolar Personality in the Workplace; Evidence After Discharge;* and *"Ask the Arbitrator"* (3/2003)

**Bar Association of San Francisco, Labor and Employment Law Section:**

*Ethical Standards for Contractual Arbitration* (7/2002); *Settlement's Toughest Challenges* (2/2002)

**Oregon Employment Relations Board:** *Arbitrator Immunity and Ethics* (11/2001)

**Oregon State Bar, Labor and Employment Law Section:** *Ethics in Mediation and Arbitration* (10/2001)

**California School Employers Association:**

*Impasse Disputes under EERA: Mediation, Factfinding and Strikes* (10/2001)

**CalPELRA Labor Relations Academy II:** *The Arbitration Process* (multiple times 1996-2009)

**CalPELRA Advanced Labor Relations Academy IV:** *Binding Interest Arbitration* (2/2001)

**American Bar Association, Labor and Employment Law Section, Arbitration Subcommittee:**

*Privileges in Arbitration* (2/1998)

**American Arbitration Association:**

*Arbitration Case Preparation and Presentation* (2/1996); *Evidentiary Issues in Arbitration* (3/1991)

**Third Oregon Governor's Conference on Labor-Management Cooperation** (10/1995)

**State Bar of California, Labor and Employment Law Section:**

*Ask the Arbitrator* (4/1997); *Ethics for Labor and Employment Lawyers* (1/1997); *Identifying Unconscious Bias in the Legal Profession* (5/1993); *Binding Arbitration of Common Law and Statutory Employment Claims* (5/1993); *IRCA for Employment Attorneys* (10/1990); *Special Industry Issues: Banks and Other Financial Institutions* (10/1989); *Employment Discrimination Update* (5/1989)

**California Association of Affirmative Action Officers:** *Alternative Dispute Resolution* (5/1993)

**Northwest Alternative Dispute Resolution Conference:** *Public vs. Private Justice* (9/1992)

**State Bar of California, Annual Meetings:**

*Wrongful Termination: Alternatives to Litigation* (9/1989); *Wrongful Termination Update* (9/1988)

Instructor, **Golden Gate University**, Graduate School, Labor Relations, and CEBS (1987, 1988, 1990)

## SELECTED PUBLICATIONS

Co-Author, *Did He Do It?: Employer Handbook "Just Cause" Meets the Collective Bargaining Agreement*, 17 LERC Monograph Series 17 (2003)

Contributor to *Discipline and Discharge in Arbitration* (BNA, 1998; 2000 supplement), and *The Developing Labor Law: the Board, the Courts, and the National Labor Relations Act*, Third Edition (BNA, 1992)

Editor, *Ask the Arbitrator* column, California Labor & Employment Law Quarterly (1997-99)

*One Arbitrator's Thoughts on SB 1638*, California Labor & Employment Law Quarterly, Summer 1994

*Public Policy and Arbitration Awards -- The Continuing Saga*, 84 CPER 10, March 1990

*Vacating Arbitration Awards on Public Policy Grounds: The Continuing Saga*, California Labor & Employment Law Quarterly, Summer 1990

*The Case of the Missing Party: USCA Approves "Ex Parte" Arbitration*, 76 CPER 11, March 1988